IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.912 OF 2005

K.G.Gopalakrishnan Nair ...Applicant

Vs.

K.N.Surendran Pillai & Anr. ...Respondents

...

Mr.Sachindra Shetye Advocate for Applicant
Mr.Y.S.Shinde A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : AUGUST 5,2005

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P.for the State. None appears for the respondent no.1-original complainant though served.

2. The applicant is seeking quashing of process issued by the learned M.M, 33rd Court, Ballard Pier, Mumbai in C.C.No.862/M-2002. In the said case, process is issued under Sections 465, 467,

468, 471 and 420 of IPC.

3. However, for the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, I am of the opinion that the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicant makes a statement that the necessary revision will be preferred within four weeks from today. In view of this statement, ad-interim-stay granted by this Court is extended for a period of four weeks.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court,

the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties. All contentions raised in this application, are left open.

6. Criminal Application is disposed of.

[V.K.TAHILRAMANI,J.]